

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

EDWARD JOE MARTINEZ,

Defendant and Appellant.

D055274

(Super. Ct. No. MH101771)

ORDER MODIFYING OPINION
AND DENYING REHEARING

[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on December 16, 2010, be modified as follows:

On page 8, the first full paragraph, the last sentence, beginning with "Thus, standing alone" is deleted and the following sentences are inserted in its place:

Although the only evidence supporting the conclusion that he qualified as an SVP was the opinion testimony of Drs. Selby and Korpi, this testimony was admissible evidence from which the jury

could reasonably find that Martinez qualified as an SVP. No other facts were needed.

There is no change in the judgment.

Appellant's petition for rehearing is denied.

McINTYRE, Acting P. J.

Copies to: All parties